

**REMARKS**

The applicants have carefully considered the official action dated July 2, 2008, and the references cited therein. In the official action, claims 48 and 56 were objected to over certain claim formalities. In addition, claims 18, 24, 41, 48, and 56 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement and claims 18, 24, 42, 48, and 56 and their dependents were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Further, claims 18-24, 32-34, 41-47, 56, 62, 64, and 67 were rejected under 35 U.S.C. § 102(b) as anticipated by Gerace (WO 97/41673). Also, claims 18, 20-24, 32, 41-47, 56, 64, and 67 were rejected under 35 U.S.C. § 102(e) as anticipated by van Hoff et al. (US 5,959,623). Also, claims 18-34 and 41-67 were rejected under 35 U.S.C. § 102(e) as anticipated by Hite et al. (US 5,774,170). Further, claims 18-34, 41-47, and 56-67 were rejected under 35 U.S.C. § 102(e) as anticipated by Reilly et al. (US 5,740,549). By way of this response, the applicants have amended claims 18, 21, 24, 41, 42, 47, 48, 50, 55, 56, and 67. No new matter has been added. In view of the foregoing amendments and the following remarks, the applicants respectfully traverse the rejections and submit that all pending claims are in condition for allowance. The applicants respectfully request favorable reconsideration of this application.

**I. Examiner's General Comments**

The applicants respectfully submit that linking an advertisement object to a plurality of image objects is supported by the applicants' specification at least at page 19, lines 16-24 ("...the HO may include image and textual data that is to be displayed in connection with AOs. ...one HO may be associated with one or more AOs and one AO may be linked to one or more HO as needed.").

**II. The Objections to Claims 48 and 56**

The applicants respectfully submit that the amendments to claims 48 and 56 overcome the objections to those claims. In particular, claims 48 and 56 now recite "...the at least one link..." Accordingly, the applicants respectfully request withdrawal of the objections to claims 48 and 56.

**III. The Rejections under 35 U.S.C. § 112**

The applicants respectfully submit that the rejections of claims 18, 24, 41, 48, and 56 under 35 U.S.C. § 112, first paragraph, have been overcome by the foregoing claim amendments. Support for the claims as amended can be found in the applicants' specification at least at page 8, lines 7-10; page 12, lines 13-16; page 19, lines 16-24; page 21, line 23 through page 22, line 16; and page 25, lines 20-29.

The applicants respectfully submit that the rejections of claims 18, 24, 41, 48, and 56 under 35 U.S.C. § 112, second paragraph, have been overcome by the foregoing claim amendments. In particular claims 18, 24, 41, 48, and 56 recite that the selected one of the plurality of image objects is capable of being rendered by the receiver and that the remaining plurality of image objects are discarded.

**IV. The Rejections under 35 U.S.C. § 102**

The applicants respectfully submit that independent claim 18 is allowable over the applied art. Independent claim 18 is directed to a system to display digital advertisement information that includes, *inter alia*, a receiver for use at a subscriber site, a plurality of image objects corresponding to an advertisement object, each of the image objects requiring a different processing capability to be rendered by the receiver. In addition, claim 18 recites that a link is

used to select one of the plurality of image objects based on a processing capability of the receiver. Further, the plurality of image objects are transmitted to the receiver and the one of the plurality of image objects is selected from the transmitted plurality of image objects. None of the references describes these elements.

Turning to Gerace (WO 97/41673), Gerace describes a server (27) that stores a user computer object (37b) and a user interface object (37c). *See Gerace*, p. 11, ll. 12-33. Although, the user computer object (37b) indicates limitations and capabilities of a user's computer system and the user interface object (37c) indicates display preferences (*see Id.*), the server (27) is not a receiver at a subscriber site.

In addition, although Gerace teaches receiving at a user's computer, advertisements to be displayed, the user's computer does not select one of a plurality of image objects based on a processing capability of the computer. As mentioned above, the user computer object (37b) and the user interface object (37c) are stored at the server (27) for use by the server (27) in selecting and transmitting the advertisements. In this manner, because the server (27) selects the appropriate advertisements for transmission, the user's computer need not select which advertisements to display because such selection is performed by the server (27). Instead, the user's computer in Gerace processes and displays all the advertisements transmitted by the server (27) unconditionally. Therefore, Gerace does not teach or suggest a receiver at a subscriber site, a plurality of image objects corresponding to an advertisement object, each of the image objects requiring a different processing capability to be rendered by the receiver, wherein a link is used to select one of the plurality of image objects based on a processing capability of the receiver, and wherein the plurality of image objects are transmitted to the receiver and the one of the plurality of image objects is selected from the transmitted plurality of image objects.

Accordingly, Gerace does not describe or suggest each and every element of claim 18 and, thus, cannot anticipate claim 18.

Turning to van Hoff et al. (US 5,959,623), van Hoff et al. describe an ad provider server computer (104) including an ad list (162) and advertisement programs (302-1 through 302-n). *van Hoff et al.*, 4:37-44 and FIGS. 1 and 3. Also, van Hoff et al. describe that a client computer (100) retrieves from the server computer (104) only the advertisement information that it is instructed to display. *Id.*, 4:24-27 (“The pointers 212-1 and 212-2 point to the location, in this case to the server computers 104, which contain the Ad lists which are to be displayed in conjunction with the execution of the Ad Window application program.”). Because van Hoff et al. teach receiving via the client computer (100) only the advertisement information that it will display at any given time, van Hoff et al. do not describe or suggest receiving a plurality of image objects, where some image objects will not be selected for display. In contrast, claim 18 involves a plurality of image objects transmitted to a receiver and selecting one of the plurality of image objects from the transmitted plurality of image objects. The selection of the image object in claim 18 is based on a processing capability of the receiver, wherein each of the image objects requires a different processing capability to be rendered by the receiver. Van Hoff et al. do not describe or suggest these elements of claim 18. Accordingly, van Hoff et al. do not describe or suggest each and every element of claim 18 and, thus, cannot anticipate claim 18.

Also, in contrast to claim 18, Hite et al. describe that commercials are received and processed at an ad administration facility (100) for playback and transmission to end viewers via an ad transmission facility (200). *Hite et al.*, 9:2-28. The processed commercials are received at a receiver (410) at a display site, and the receiver (410) merely demodulates, decodes, and displays the commercials. *Id.*, 13:58-14:58. There is no evidence to indicate that Hite et al.

describe or suggest receiving commercials at a receiver site in the form of image objects separate from advertisement objects. In contrast, claim 18 describes image objects transmitted to a receiver separate from an advertisement object. Accordingly, Hite et al. do not describe each and every element of claim 18 and, thus, cannot anticipate claim 18.

Reilly et al. also cannot anticipate claim 18. Reilly et al. describe an information and advertising distribution system and method that involve an information server (104) that communicates with client computers (102). *Reilly et al.*, 3:66-4:2. The information server (104) communicates advertisements to the client computers (102). *Id.*, 3:1-5. However, unlike the language in claim 18, Reilly et al. do not describe a plurality of image objects transmitted to a receiver, where each of the image objects requires a different processing capability to be rendered by the receiver, and selecting one of the plurality of image objects from the transmitted plurality of image objects based on a processing capability of the receiver. Instead, Reilly et al. describe that a client computer (102) stores a user profile (194) that includes:

...subscriber hardware and software configuration information  
214 that identifies for the information server hardware and  
software information needed to determine the type of software  
and image files that are compatible with the subscriber's  
computer...

*Id.*, 7:45-59.

The hardware and software configuration information (214) is for the information server (104) (i.e., communicated to the information server) to use in deciding what advertisements to communicate to the client computer (102). *Id.*, 7:45-59 and 14:57-15:15. Thus, because the information server (104) is informed of the hardware and software configuration information (214), it does not communicate advertisements that are not renderable by the client computer (102) based on the processing capabilities of the client computer (102) and, thus, the client

computer (102) does not need to select one of a plurality of image objects based on its processing capabilities. Further, the information server (214) also communicates any necessary software modules to the client computer (102) so that the client computer (102) will always have the processing capability to render the advertisements communicated to it. This obviates any need for the client computer (102) to select one of a plurality of image objects based on a processing capability of a receiver as recited in claim 18. Accordingly, the applicants respectfully submit that Reilly et al. do not describe or suggest each and every element of claim 18 and, thus, cannot anticipate claim 18.

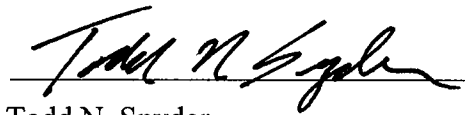
In view of the foregoing, the applicants respectfully submit that the applied art does not describe or suggest each and every element of claim 18. Accordingly, the applicants respectfully submit that independent claim 18 and all claims dependent thereon are in condition for allowance.

The applicants respectfully submit that independent claims 24, 41, 48, and 56 are also allowable over the art of record for at least the reasons discussed above in connection with claim 18. Accordingly, the applicants respectfully submit that independent claims 24, 41, 48, and 56 and all claims dependent thereon are in condition for allowance.

**V. Conclusion**

In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. If there are any remaining matters that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Todd N. Snyder", is written over a horizontal line.

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